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U.S. DISTRICT COURT

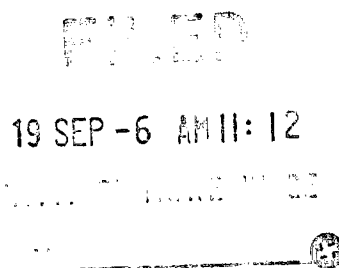
Las Vegas, Nevada



**SEALED**

**Office of the United States Attorney  
District of Nevada  
501 Las Vegas Boulevard South,  
Suite 1100  
Las Vegas, Nevada 89101  
(702) 388-6336**

NICHOLAS A. TRUTANICH  
United States Attorney  
Nevada Bar No. 13644  
CHRISTOPHER BURTON  
Assistant United States Attorney  
Nevada Bar No. 12940  
501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, Nevada 89101  
(702) 388-6336 / Fax: (702) 388-6418  
[Christopher.Burton4@usdoj.gov](mailto:Christopher.Burton4@usdoj.gov)  
*Counsel for the United States*



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ETHAN ELLIOT ERHARDT ,

Defendant.

Magistrate No. 2:19-MJ-00672-EJY

**COMPLAINT**

Providing False or Fictitious Information  
When Buying Firearms From a Federal  
Firearms Licensee  
Title 18, United States Code, Sections 922  
(a)(6) and 924(a)(2)

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned  
Complainant, being duly sworn, deposes and states:

**COUNT ONE**

***Providing False or Fictitious Information When Buying Firearms from a Federal Firearms Licensee***

On or about February 19, 2019, in the State and Federal District of Nevada,

**ETHAN ELLIOT ERHARDT,**

defendant, in connection with the attempted acquisition of firearm, to wit: ten (10) Fabrique  
Nationale Herstal (FN), M249S, 5.56 caliber rifles, from Green Valley Range, a licensed dealer  
of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a

1 false and fictitious written statement to Green Valley Range, which statement was intended and  
2 likely to deceive Green Valley Range, as to a fact material to the lawfulness of such acquisition  
3 of the said firearms to the defendant under chapter 44 of Title 18, in that the defendant  
4 represented that he was actual transferee/buyer of the said firearms; all in violation of Title 18,  
5 United States Code, Sections 922(a)(6) and 924(a)(2).

6 **PROBABLE CAUSE AFFIDAVIT**

7 Complainant, James A. Huskey, as a Special Agent with the Bureau of Alcohol,  
8 Tobacco, Firearms, and Explosives (ATF), states the following as and for probable cause:

9 1. Your Affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, &  
10 Explosives (ATF), United States Department of Justice, having been so employed since  
11 February of 2000. I am currently assigned to the ATF San Francisco Field Division, Las Vegas  
12 Field Office. As part of my duties, I investigate criminal violations relating to and/or involving  
13 firearms, violent crime, criminal street gangs, and firearms trafficking. I have participated in  
14 various aspects of criminal investigations including, but not limited to, interviews, physical  
15 surveillance, the execution of search warrants, and the arrest of criminals. As an ATF Special  
16 Agent, I have successfully completed the Criminal Investigator Training Program and Special  
17 Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia.

18 2. The following information contained within this Criminal Complaint is based upon  
19 my own participation in this investigation, as well as information and reports provided to me by  
20 other law enforcement personnel. This Affidavit does not necessarily include any and all  
21 information reference this investigation, but rather only those facts necessary to establish  
22 Probable Cause. All times noted are approximate.

**FACTS ESTABLISHING PROBABLE CAUSE**

3. On February 19, 2019, in Las Vegas, Nevada, ETHAN ELLIOT ERHARDT, did knowingly and intentionally provide false or fictitious information when buying firearms from a Federal Firearms Licensee (FFL); in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

4. During February of 2019, your affiant received information concerning the attempted acquisition of 10 Fabrique Nationale Herstal (FN), M249S, 5.56 caliber rifles. According to a concerned citizen (hereafter CC1), ETHAN ELLIOT ERHARDT had previously purchased 10 identical rifles from Green Valley Range (FFL 9-88-04142) in December of 2018. According to CC1, the December transaction was unusual in itself, as ERHARDT paid for the purchase using \$82,000 in US currency. In addition, CC1 was further concerned as ERHARDT purchased 10 Barrett M82, .50 caliber bolt-action rifles in January of 2019. ERHARDT paid this bill using \$87,200 in US currency.

5. During the previous transactions, ERHARDT used his Las Vegas Metropolitan Police Department issued Concealed Firearms Permit to bypass the background check and facilitate the transaction. According to CC1, once the January 2019 transaction was complete, ERHARDT loaded the firearms into a white box van.

6. A review of ATF Forms 4473 obtained from Green Valley Range showed ERHARDT made the following purchases: 1) On December 20, 2018, ERHARDT purchased four FN America M249S 5.56mm rifles; 2) On December 22, 2018, ERHARDT purchased six FN America M249S 5.56mm rifles; and 3) On January 12, 2019, ERHARDT purchased 10 Barrett M82A1 .50BMG rifles.

7. Further review of the Federal Licensing System revealed that ERHARDT is the responsible person on an inactive FFL for Erhardt Industries, LLC. As such, ERHARDT

1 would have received instruction from ATF Industry Operations regarding the obligation to  
2 comply with all pertinent regulations and statutes, to include purchasing firearms on behalf of a  
3 non-FFL business and conducting firearms-related business operations without a license. Per  
4 the Nevada Secretary of State's website, Erhardt Industries is currently listed as "dissolved."

5 8. On February 13, 2019, ATF investigators located a YouTube video posted by  
6 ERHARDT in which he claimed to be manufacturing firearms and providing a store where  
7 people can conduct "private sales" of firearms. In the video, ERHARDT is seen standing  
8 behind a glass counter holding an AR-style firearm with three more AR-style firearms displayed  
9 behind him. ERHARDT stated that the video is being made at his store, Erhardt Industries,  
10 and that the store is the only retail location to purchase "King Assassin merchandise and King  
11 Assassin firearms that we make." ERHARDT claimed that he began developing the firearms he  
12 was selling for a few years and that he had introduced the firearms to officers he was training.  
13 ERHARDT claimed he was a Defense contractor and on the government vendor list and were  
14 working to manufacture firearms for law enforcement, military officials, and so forth.  
15 ERHARDT stated there is no law in Nevada prohibiting the buying or selling of a firearm and  
16 that you can meet someone in a parking lot or dark alley to sell a firearm, or go to a 'neutral  
17 place" like his store where you will be comfortable and safe.

18 9. ATF investigators located a Facebook page for Erhardt Industries, which listed a  
19 physical address of 3871 South Valley Blvd. #4, Henderson, Nevada, 89011. ATF investigators  
20 went to that location to find it was a different business. An undercover officer with ATF  
21 (hereinafter "UC") then placed a call to the phone number that was listed in the Facebook post  
22 and spoke with a male adult that identified himself as "Ethan." Ethan affirmed that the phone  
23 number was for Erhardt Industries and stated that the business no longer had a physical  
24 building but he was working on opening a warehouse in Arizona. Ethan stated customers could

1 still order firearms from the company through Instagram. After hanging up, Ethan sent a series  
2 of text messages to the UC's phone and provided him a link to an Instagram page. Through  
3 these text messages, Ethan agreed to sell the UC two KA9-style handguns. When the UC asked  
4 if Ethan would ship the guns to a gun store or if he would meet privately with the UC so that  
5 the UC could avoid paying taxes or background fees, Ethan responded that he would conduct a  
6 "private sale" with the UC.

7 10. The controlled purchase between the UC and "Ethan" occurred on February 19, 2019  
8 at a parking lot located at 6515 South Jones Blvd., Las Vegas, Nevada. The UC identified  
9 "Ethan" as ERHARDT and purchased two KA9-style handguns for \$2,000 in US currency.  
10 ERHARDT claimed that both firearms were manufactured by "our company." ERHARDT  
11 also affirmed that he was a government contractor and had a contract with the Department of  
12 Defense. When asked about the video posted on YouTube, ERHARDT stated the video was  
13 made approximately two years ago. The UC stated that these guns were not permitted in  
14 California and that you can get almost double the price that the UC paid for them as a result;  
15 ERHARDT replied "fuck yeah." The UC also asked ERHARDT if ERHARDT could provide  
16 more firearms to the UC at a later time and ERHARDT confirmed that he could. The UC took  
17 both firearms and told ERHARDT he would meet up with "his people" and let ERHARDT  
18 know in about a week. ERHARDT welcomed future contact and told the UC that he also sells  
19 ammunition. The UC and ERHARDT discussed the future purchase of a couple thousand  
20 rounds of ammunition.

21 11. After this controlled purchase, ATF investigators surveilled ERHARDT to the Green  
22 Valley Range. ATF had learned that ERHARDT planned to complete the purchase of the  
23 aforementioned 10 FN M249s rifles at that time. Agents observed ERHARDT arrive at Green  
24

1 Valley Range in his personal vehicle and enter the business. Immediately in front of the  
2 business, backed into a parking space, was a white box van occupied by a white male.

3 12. ERHARDT provided Green Valley Range with \$88,098.07 in gift cards as payment  
4 for the 10 M249s rifles. Due to the large size of the order, an employee of Green Valley Range  
5 transported the firearms into the parking on a pallet, dropping the pallet on the ground behind  
6 the white box van. ERHARDT and the male from the box van began loading the boxes into the  
7 back of the van.

8 13. Agents made contact with ERHARDT and detained him for questioning. Agents  
9 identified the male from the box truck as Boris TRGOVECIC. TRGOVECIC agreed to be  
10 interviewed by agents and ultimately admitted that ERHARDT had purchased the firearms for  
11 him. Additionally, TRGOVECIC agreed to allow agents to download his cellular telephone.

12 14. Your affiant subsequently reviewed text message exchanges between TRGOVECIC  
13 and ERHARDT. Beginning February 3, 2019, TRGOVECIC and ERHARDT exchanged  
14 multiple text messages about acquiring firearms and ammunition for an unidentified third  
15 party. Specifically, on February 4, 2019, ERHARDT texted TRGOVECIC that "Scar H  
16 won't be available for a few months. Military bought out the rest." To which TRGOVECIC  
17 responded: "Okay I will let him know." On February 9, 2019, the following text messages were  
18 exchanged between ERHARDT and TRGOVECIC:

- 19 • ERHARDT: "Got 7 of the saws available now. It's a total of \$61,500."
- 20 • ERHARDT: "But there 11-15 available my buddy just sent me the quote for 7  
21 but we can order 10."
- 22 • ERHARDT: "But it will be like 88k for 10."
- 23 • ERHARDT: "How much is he gonna pay for these collapsible ones each?"
- 24 • ERHARDT: "So can we get like 66K today?"

- 1 • ERHARDT: "So I will tell him know we are coming tomorrow?"
- 2 • TRGOVECVIC: "Yes 12 pm I'm good with that."

3 On February 15, 2019, ERHARDT sent a text message to TRGOVECVIC stating "I expect  
4 shipment of rifles today or Monday at latest. Ammo is not available right now he is trying to  
5 get from factory in next couple of days. Shipping will be between 700-800." On February 17,  
6 2019, the two exchanged the following text messages:

- 7 • TRGOVECVIC: "Sorry my brother, this guy is being pushy, bothering me too  
8 much, do you have the tracking number for that stuff?"
- 9 • ERHARDT: "I'm guessing they should either have arrived or be arriving by  
10 Monday. Let me see where they are at."
- 11 • ERHARDT: "What's up man. He just text me. 8 are in 2 are on the way should  
12 be no later than mon or tues we can pick up got delayed because the weather  
13 from the Midwest."
- 14 • TRGOVECVIC: "Nice yes if we can go pick them up be good today."
- 15 • ERHARDT: "The guy isn't at the shop to release the 8 to me. But he will be in  
16 mon or tues and we can pick up all 10."

17  
18 On February 19, 2019, the two exchanged the following text messages:

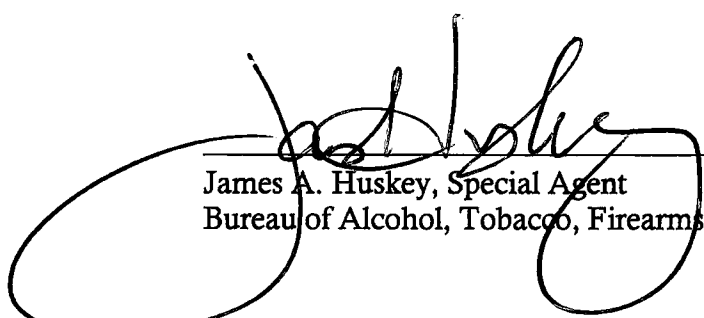
- 19 • ERHARDT: "Okay so we can be there around 11 . . . however the final one will  
20 be there around 1130-1145ish lol so you ca take 9 u less we can wait a few mins."
- 21 • ERHARDT: "Does that work for you?"
- 22 • TRGOVECVIC: "Let me see what he wants to do"
- 23 • ERHARDT: "Well we are going to get them righty?"
- 24 • TRGOVECVIC: "Yes."

1       15. Your affiant reviewed the ATF Form 4473 ERHARDT filled out as part of this  
2 transaction. Question 11, subsection a, specifically asks "Are you the actual transferee/buyer of  
3 the firearm(s) listed on this form?" and further states "Warning: you are not the actual  
4 transferee/buyer if you are acquiring the firearm(s) on behalf of another person." ERHARDT  
5 checked the block indicating that yes, he is the actual buyer of the firearms. ERHARDT further  
6 signed and dated the ATF Form 4473, certifying that his answers were true, correct and  
7 complete. Green Valley Range verified ERHARDT's identify using his State of Nevada  
8 Driver's License and his Nevada Concealed Weapon permit.

9       16. Your Affiant also reviewed records and determined ERHARDT had a Commercial  
10 and Government Entity (CAGE) code from May 2017 to May 2018. This CAGE code would  
11 have allowed ERHARDT to bid on government contracts, but as of February 2019,  
12 ERHARDT was not an authorized government vendor.

13       17. On March 12, 2019, ATF investigators responded again to Green Valley Range.  
14 Investigators learned that ERHARDT had arrived at the business and contacted Henderson  
15 Police Department to file a police report claiming that ATF agents had robbed him at gunpoint  
16 and stolen the firearms he purchased on February 19, 2019. ATF agents contacted ERHARDT,  
17 advised him of his *Miranda* rights, and asked if he would be willing to speak with them.  
18 ERHARDT agreed to speak with ATF agents. During the interview, ERHARDT stated that he  
19 used to have a Federal Firearms License beginning in July 2016 but that he had it only for one  
20 year. ERHARDT stated that he opened a store to sell firearms in approximately March 2017  
21 but it subsequently closed around November 2017, although he stated was not completely sure  
22 of the timeline. ERHARDT claimed that, after his business closed, he liquidated all of his  
23 firearms. When asked about advertising firearms for sell on Instagram, ERHARDT claimed  
24 those were old photographs and he did not currently sell firearms on Instagram. When asked

1 about his purchase of 20 firearms in December 2018, ERHARDT affirmed that he did indeed  
2 purchase 20 firearms and claimed he paid for them mostly in cash. ERHARDT stated he gave  
3 all of those firearms away as "gifts," to people that were interested in potentially investing in  
4 him and his business. ERHARDT stated that all of the firearms he purchased went to  
5 TRGOVECVIC and TRGOVECVIC was supposed to give them away as gifts. ERHARDT  
6 initially stated that the 10 firearms he intended to purchase on February 19, 2019, were also  
7 intended to go to TRGOVECVIC to be distributed to others as "gifts." However, when  
8 confronted about his answer to question 11 on the ATF Form 4473, ERHARDT then said that  
9 those 10 firearms were not intended for TRGOVECVIC but ERHARDT instead intended on  
10 keeping all of them for himself because he had heard they were going to go to someone else so  
11 he wanted them.

12  
13  
14   
James A. Huskey, Special Agent  
Bureau of Alcohol, Tobacco, Firearms, and Explosives

15  
16 SUBSCRIBED and SWORN to before me

17  
18 This 6 day of September, 2019.

19   
20 UNITED STATES MAGISTRATE JUDGE  
21  
22  
23  
24